



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-2(c)

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In Re:

KISHIA M. NORMENT, Debtor,
and CLARISSA HOLMAN, Codebtor

Order Filed on May 17, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-33857-VFP

Judge: Vincent F. Papalia

**CONSENT ORDER MODIFYING STAY AS TO MOTOR VEHICLE
2009 SUBARU LEGACY**

The relief set forth on the following pages, number two (2) through four (4) is hereby
ORDERED.

DATED: May 17, 2018

A handwritten signature in black ink, appearing to read "Honorable Vincent F. Papalia".

**Honorable Vincent F. Papalia
United States Bankruptcy Judge**

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Debtor: Kishia M. Norment
Codebtor: Clarissa Holman
Case No.: 16-33857-VFP
Caption of Order: Consent Order Modifying Stay as To Personal Property

1. The 11 U.S.C. §§ 362(a) and 1301(a) Stays as to Capital One Auto Finance, a Division of Capital One N.A., its successors and/or assigns ("Movant"), with respect to the personal property of the Debtors and Codebtor described as a 2009 SUBARU Legacy-4 Cyl. Sedan 4D I Limited AWD, V.I.N. 4S3BL626597216824, in accordance with the agreement of the Debtor and Movant, is hereby modified and shall remain in effect PROVIDED THAT Debtor complies with the following terms and conditions:

(a) Debtors shall make a payment of \$401.62 to cure the post-petition arrears within 15 days of the entry of this Order.

(b) Debtors will resume making all future regular monthly installment payments of \$462.86 (subject to changes for taxes, insurance costs and late fees, if any) beginning on May 17, 2018; Debtors will timely make each payment in accordance with the terms and conditions of the loan document between Debtors and Movant.

2. Debtors will remain current on all payments ripe, due and owing under the terms of the Chapter 13 Plan. Debtor will pay Movant as an administrative expense through the Chapter 13 Plan the sum of \$481.00 for attorney's fees and costs.

3. The term "payment" as set forth in Paragraph 1, *supra*, does not include a check that is returned due to insufficient funds, account closed or is otherwise not capable of negotiation for any other reason.

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4. Debtors will be in default under the Consent Order in the event that Debtors fail to comply with the payment terms and conditions set forth in Paragraph 1, *supra*. If Debtors fail to cure the default within thirty (30) days from the date of default, Movant may apply on five days' notice to Debtors and counsel for Debtors and the Chapter 13 Trustee for an order lifting the automatic stays imposed under 11 U.S.C. §§ 362(a) and 1301(a) and permitting Movant to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle without regard to any future conversion of this matter to a different form of bankruptcy.

5. In the event Debtors convert to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtors shall pay all pre-petition arrears and post-petition arrears due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtors fail to make payments in accordance with this paragraph, then Movant, through counsel, may file a Certification of Default setting forth said failure and Movant shall be granted immediate relief from the automatic stay provisions of Section 362 and 1301 of the Bankruptcy Code (11 U.S.C. §§ 362 & 1301) and the Movant is then permitted to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle.

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6. Debtors may default and cure the default under the Consent Order one (1) time. If Debtors default a second (2nd) time, Movant may serve a notice of default in accordance with Paragraph 4, *supra*, but Debtors will not be granted an opportunity to cure the default.
7. The failure of Movant to issue a notice of default will not be construed or act as a waiver of any of the rights of Movant under the Consent Order.
8. Debtors waive the fourteen (14) day stay provided under Rule 4001(a)(3), F.R.B.P.

We hereby Consent to the form and entry of the foregoing Order.



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